

REMARKS

By this preliminary amendment to the above-captioned Second Continued Prosecution Application (CPA), a few changes are being made to the allowed claims that appear, from the undersigned attorney reviewing them again, to be desirable for added clarity. One new independent claim to the multi-state form of the invention and several dependent claims are being added. The primary reason for filing the further CPA, however, is to bring additional prior art to the attention of the Examiner that has been recently been cited by the defendant in the ongoing litigation involving the parent patent no. 5,602,987, *SanDisk Corporation v. Lexar Media, Inc.*, pending in the United States District Court for the Northern District of California. This additional prior art is being filed herewith as part of a further Supplemental Information Disclosure Statement.

Further, it has been noted that the Examiner did not initial the two references C21 and C22 on the form PTO1449 filed as part of paper #26, although the form was signed by him at the bottom. A copy of this form is attached, and it is respectfully requested that the Examiner initial these two items on this and the corresponding original of this copy in the Patent Office file of this application.

A prompt and favorable examination of the present CPA application, including the review and making the additional prior art of record, are solicited. If any matters are noted by the Examiner to exist which may require attention, he is invited to contact the undersigned attorney by telephone.

Dated: December 21, 1999

Respectfully submitted,



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